

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 29, 2006 (hereinafter Office Action) have been considered. Claims 1-20, 22-41 and 43-47 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant appreciates the indication of allowability for Claim 41 and has amended the claim to include underlying limitations of base Claim 38. These changes are believed to place Claim 41 in condition for allowance, and Applicant accordingly requests that the objection be removed.

Without acquiescing to any of the rejections, Applicant has amended each of the independent claims (Claims 1, 25, 28, 35, 38, 43, 45, 46 and 47). The independent claims now more expressly characterize the claimed location information as being unrelated to the speech and/or data that is transmitted using the predetermined resource. Support for these changes may be found in the instant Specification, for example, at paragraphs [0032] and [0034]; therefore, these changes do not introduce new matter. Applicant submits that each of the independent claims is patentable over the cited references for the reasons discussed below.

Claims 25, 38, 40, 45, 46 and 47 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,867,733 to Sandhu *et al.* (hereinafter “Sandhu”). Applicant respectfully traverses the rejection because Sandhu does not teach or suggest all of the claimed limitations. For example, Sandhu at least fails to teach transmitting location information with speech or data, where the location information is unrelated to the speech or data, to a predetermined group of users by using a predetermined transmission resource, as claimed. Instead, Sandhu teaches mobile devices sending “announcements” or “requests” as data packets. Any location-related information in these data packets is directly connected to the “announcements” or “requests” as Sandhu teaches that the location-related information is used in the processing of the data received in the same transmission. *See, e.g.*, column 2, line 48 *et seq.* Moreover, a location-stamp is always sent

with outbound data packets. *See, e.g.*, column 4, line 66-column 5, line 2. The “location stamp” of Sandhu fails to correspond to the claimed location information for at least these reasons. Without a presentation of correspondence to each of the claimed limitations, the §102(b) rejection is improper, and Applicant accordingly requests that it be withdrawn.

With particular respect to the rejection of Claim 47, Applicant further traverses as Sandhu fails to teach at least the claimed means to determine timing information of received signals. The citation to column 4 fails to make any reference to timing information of received signals. Instead the cited portion merely discloses the use of a time stamp. The use of a time stamp is unrelated to the claimed limitations directed to timing information of received signals. Without a presentation of correspondence to each of the claimed limitations, the §102(b) rejection is improper, and Applicant requests that it be withdrawn.

Claims 1-9, 12, 14, 18-20, 22-24, 28-30, 35, 36, 39 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sandhu in view of U.S. Patent No. 6,813,501 to Kinnunen *et al.* (hereinafter “Kinnunen”). Applicant respectfully traverses the rejection because the asserted references, alone or in combination, fail to correspond to the claimed invention. As discussed above, Sandhu does not teach or suggest the limitations of at least independent Claims 1, 28, 35 and 43. The reliance upon Kinnunen fails to overcome the above-discussed deficiencies of Sandhu; therefore any combination of these references must also fail to correspond to the claimed invention.

Applicant has also amended independent Claims 1, 35 and 43 to more expressly characterize that the mobile device is the element that includes information regarding a method with which the location was determined with the location information. As similar limitations were already present in Claim 28, these changes do not introduce new matter. The Office Action acknowledges that Sandhu fails to teach that the location information including information regarding a method with which the location was determined. In an attempt to overcome this deficiency, the Office Action relies upon the teachings of Kinnunen. This reliance is misplaced in that Kinnunen teaches that a location server attaches the source of the location information (column 8, lines 62-65). Thus, neither of the asserted references teaches a mobile device including information regarding a method with

which the location was determined with the location information. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper and Applicant requests that it be withdrawn.

Dependent Claims 2-24, 26, and 27 depend from independent Claim 1; dependent Claims 29-34 depend from independent Claim 28; dependent Claims 36, 37, 39 and 40 depend from independent Claim 35; and dependent Claim 44 depends from independent Claim 43. Each of these dependent claims also stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed Sandhu reference or the above-discussed combination of Sandhu and Kinnunen. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 28, 35 and 43. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-24, 26, 27, 29-34, 36, 37, 39, 40 and 44 are also allowable over Sandhu or the combination of Sandhu and Kinnunen.

With particular respect to the rejection of Claim 26 over Sandhu in view of U.S. Patent No. 6,885,874 to Grube *et al.* (hereinafter "Grube"), Applicant respectfully traverses because the asserted combination fails to correspond to each of the claimed limitations, as acknowledged in the Office Action. Claim 26 depends from independent Claim 1. At page 4 of the Office Action, the Examiner acknowledges that Sandhu fails to correspond to each of the limitations of Claim 1. However, at page 13, the Office Action asserts that Sandhu teaches the limitations of Claim 26 except for the transmission of location related information being triggered by an external event detected by a sensor of the mobile device, for which such teaching Grube is relied upon. The Office Action has not shown where the asserted combination of references teaches at least, limitations directed to the location

information including information regarding a method with which the location was determined, as found in independent Claim 1. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to the rejection of Claim 27 over Sandhu in view of Kennedy III, Applicant respectfully traverses because the asserted combination fails to correspond to each of the claimed limitations, as acknowledged in the Office Action. Claim 27 depends from independent Claim 1. At page 4 of the Office Action, the Examiner acknowledges that Sandhu fails to correspond to each of the limitations of Claim 1. However, at page 14, the Office Action asserts that Sandhu teaches the limitations of Claim 27 except for the transmission of location related information being triggered by a voice command or a sound, for which such teaching Kennedy is relied upon. The Office Action has not shown where the asserted combination of references teaches at least, limitations directed to the location information including information regarding a method with which the location was determined, as found in independent Claim 1. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

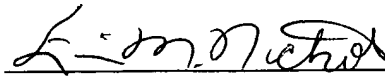
It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.104PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

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By: 

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